



**City of Marlborough
Zoning Board of Appeals
140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3768**

Minutes

July 7, 2020 7:00 PM

THIS MEETING WAS HELD VIRTUALLY THRU MICROSOFT TEAMS

Location: 339 Boston Post Rd. East (former McGee Farm) - Continuation

Zoning Board Case # 1464-2020

Applicant: WP Marlborough MA Owner, LLC

Date of Appeal – 3/2/2020

Zoning relief requested: Petition: Applicant seeks a Special Permit under Section 650, Article VI, Section 23(D) Floodplain and Wetland Protection District of the City of Marlborough Zoning Ordinance to conduct certain filling and excavation work in a floodplain area, all in connection with its proposed 188-unit multifamily apartment project. Property is located at 339 Boston Post Rd. East, Map 72-35, 73-28, 24, 26.

Board Members attending virtually: Ralph Loftin-acting chairman, Robert Levine, and Thomas Pope.

Board Member attending in City Hall-3rd Floor, Memorial Hall – Thomas Golden and secretary, Susan Brown

Roll call: Ralph Loftin-yea, Robert Levine-yea, Thomas Golden-yea, Thomas Pope-yea. (4 members present)

Atty. Brian Falk of Mirick O'Connell, representing applicant – attended virtually.

Finding/Record

1. The hearing was continued from June 30, 2020. It was informed thru our IT Department that this meeting was being recorded.
2. Acting Chairman, Ralph Loftin informed Atty. Falk that it was recommended thru our City Solicitor that a decision/vote of the Board should be postponed until such time as an Order of Conditions is issued by the Conservation Commission and submitted to the Zoning Board of Appeals.

3. Atty. Falk did speak with the City Solicitor, Jason Grossfield, about the Zoning Board of Appeals voting this evening, with a vote contingent upon acquiring the Order of Conditions from the Conservation Commission. But, Atty. Falk understood the position of the Board to take the advice of their legal council.
4. It was mentioned that the next Conservation Commission meeting will be held on July 23, 2020 with the hope of closing their hearing. And maybe "draft" conditions will be finalized on the Commission's August 6, 2020 meeting.

In hopes of the above, with the Order of Conditions in hand, the Zoning Board of Appeals will meet on August 10th (Monday) at 7:00 PM.

5. The Board read into the file, an e-mail from the Board of Health providing their comments on the petition, dated July 7, 2020, stating in part: "within the spirit and purpose of the Floodplain and Wetland Protection District Ordinance, we do not object to the issuance of a special permit if the ZBA deems it appropriate".
6. The Planning Board has not submitted comments as of this date.
7. A motion was made by Robert Levine and seconded by Thomas Pope to continue the public hearing to August 10, 2020 at 7:00 PM. Roll call vote: Thomas Golden-yea, Thomas Pope-yea, Robert Levine-yea and Ralph Loftin-yea. A vote of 4-0 carries. The public hearing is continued to August 10, 2020 at 7:00 PM.

Other Business:

- **30 Maple St.** - To ratify two Time Limit Extension Agreements
 - Extension to expire May 8, 2020 and June 16, 2020A motion made by Robert Levine and seconded by Thomas Pope to ratify the two Time Limit Extension Agreements. Roll call vote: Robert Levine-yea, Thomas Pope-yea, Paul Giunta-yea, Thomas Golden-yea and Ralph Lofin-yea. A vote of 5-0 carries.
- **30 Maple St.** - Clarify vote
A motion was made by Paul Giunta, seconded by Thomas Golden to deny all requested variances and/or the administrative appeal in this petition, consistent with the Board's vote on June 9, 2020 to deny the applicant's revised plan dated Feb. 26, 2020. Roll call vote: Paul Giunta-yes to deny, Thomas Golden-yes to

deny, Ralph Loftin-yes to deny, Thomas Pope-yes to deny and Robert Levine-yes to deny.

Adjournment - With no other business, a motion was made by Ralph Loftin and seconded by Thomas Pope to adjourn. Roll call vote: Ralph Loftin-yea, Thomas Pope-yea, Thomas Golden-yea, Paul Giunta-yea, and Robert Levine-yea. A vote of 5-0 carries.

Respectfully Submitted,


Ralph Loftin
Acting Chairman